

***United States District Court
District of Eastern Virginia***

Cedric Lamont Carter

Plaintiff

vs.

Matthew Hoffman,

Individually and in his official
capacity as Justice of the
District Court of Newport News
Defendant

Civil Docket No. _____

Verified Complaint

JURISDICTIONAL BASIS

I. Plaintiff claims federal jurisdiction pursuant to Article III § 2 which extends the jurisdiction to cases arising under the U.S. Constitution.

II. Plaintiff brings this suit pursuant to Title 42 U.S. Code § 1983 for violations of certain protections guaranteed to him by the Fourteenth Amendment of the federal Constitution, by the defendant under color of law in his capacity as a judge in the District Court of Newport News.

Parties

III. Plaintiff Cedric Carter is a natural person residing at 84 Basswood Dr,

Newport News, VA 23601.

IV. Defendant is a Judge presiding at Newport News General District Court.

Statement of Case

Pursuant to Title 42 U.S. Code § 1983 Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

On 11 March 2021 at approximately 9:45A.M. in the General District Court of Newport News, court room "D", case number GV: 21001230-00, Judge Hoffman acted unconstitutionally and lost subject matter jurisdiction by way of the following events. First and foremost, I was not allowed to be heard by trial due to the Judges personal feelings and views resulting in a denial of equal protection under the Fourteenth Amendment. I delivered 4 Exhibits the day before my hearing so he can see all the instrumentalities I had already sent to the Plaintiff in my case prior to arriving to court the morning of the 11th of March 2021 for the 9am Docket. He made reference to him having Jurisdiction over me and everything that happens to me that morning before I said a word. He was clearly agitated by something. None of my exhibits were address to him, the court, or his authority

in. They were intended to show him the steps that I had been taking to get the Plaintiff at the time to release the name and address of the original creditor as I was aware that the law didn't allow for corporations to originate credit or give loans per 15 USC § 1601a. The first question he asked me was if I agreed that I owed the alleged debt. I responded with no I don't, and that the two un rebutted Affidavits of truth I sent to the plaintiff suggests that they agree with me as well. The case law I cited in support of both my affidavits; "An affidavit uncontested, un rebutted, unanswered, Morris v National Cash Register, 44 S.W 2d 433 Morris v National Cash Register, 44 S.W. 2d 433, clearly states at point #4 that "uncontested allegations in affidavits must be accepted as true." He dismissed the validity of this case law. I told him I sent the plaintiff a notice of default and opportunity to cure putting the plaintiff on notice that their silence meant agreement and that my Affidavits stood as truth in commerce and he dismissed this as well. I explained to Judge Hoffman that I didn't come to the Plaintiff for a loan. I came for credit. I extended myself credit through the opened end credit plan attached to my social security card and the plaintiff provided me deceptive forms to make me believe that I owed them something when in fact the purchase was paid for already by way of the finance charge. He said that didn't make any sense to him and to give him a better reason, so I explained that there was a finance charge involved in my consumer transaction which congress defines as the sum of all charges and it more

than compensated for the purchase. Once again, I was told that was totally wrong and he didn't know what I was talking about. So I read 15 USC § 1692f(1) verbatim from title 15 so that he would understand that receiving cash payments beyond the finance charge was prohibited by law, and was told it didn't make any sense to him and he proceeded to ask the Plaintiff what he wanted and issued a bond of appeal for the amount the Plaintiff asked for (\$10,846.28). This was done on behalf of the Plaintiff as a form of insurance on behalf of the company. By law the original creditor is the only one that can validate a debt. Judge Hoffman never asked anything of the plaintiff along the lines of showing proof they were the Original Creditor before deciding that from his personal point of view the alleged debt must be valid. Per Title 15 of the US Code. Failure to dispute any alleged debt by a consumer shall not be misconstrued by any court as liability. The plaintiff didn't have to provide the name and address of the original creditor or anything else I asked for in my notarized documents to verify the alleged debt for which Title 15 clearly states they cannot be the original creditor. Yet, I got stuck with the balance and I was the only one in the court room that could by law verify the alleged debt because I was the grantor and original creditor. I understood that only natural persons can be originators of credit and corporations are merely participating in the extension of credit, so by default the Plaintiff being a corporation could never be the original creditor. This personally did not make any

sense to the judge so I was denied a trial date and my right to be heard. This was supposed to be a hearing to see if there was a dispute and set up a trial date so I thought, but I wound up a victim of judicial misconduct. I was denied my right of equal protection under the law the Plaintiff was given. The Judge spoke on his behalf the entire time. Dead set on making an example of me for all on lookers to suppress the use of Title 15 in our defense. Whether or not my trial date was going to be extended to me was solely based on how well he felt I answered his questions not my right to a trial or the federal laws that supported my answers. "Fraud vitiates the most solemn contracts, documents, even judgements" [U.S. v Throckmorton, 98 US 61 at pg. 65].

Judge Hoffman presided over case number GV21000746-00, 22 Feb 2021, Court room "D", on the Docket for 9 AM that day. This young lady (Jessica Wilson) was sitting Title 15 in her defense of a warrant of Debt just as I was during my hearing, but she was awarded her day in court. She is currently scheduled to return 10 May 2021 under the same case number and court room for the 10 AM Docket.

While a Judge performing Judicial functions may enjoy Immunity, denial of constitutional rights are absolutely not a judicial function and conflicts with any definition of a Judicial function. The failure to follow simple guidelines of his post

made Judge Hoffman's actions no longer a Judicial act but an Individual act as his acts represented his own prejudices and goals. I have been subject to court action for the purpose of intimidating me from exercising my Federally protected rights under title 15 of the US Code. This is unacceptable.

Wherefore plaintiff prays this Court issue equitable relief as follows:

1. Issue injunctive relief of all orders made in violation of the Law
2. Issue declaratory relief that Due Process of Law be allowed.
3. Issue other relief as this Court deems appropriate and just.
4. Award plaintiff his costs of litigation.

Respectfully submitted,

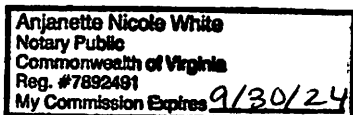
Cedric L. Carter
84 Basswood Dr,
Newport News, VA
23601-3010
757 927 8023

Statement of Verification

I have read the above complaint and it is correct to the best of my knowledge.



Cedric L. Carter
In Propria Persona



City/County of Newport News
Commonwealth of Virginia

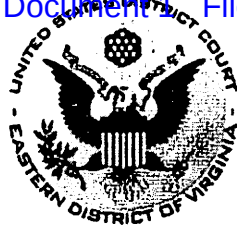
The foregoing instrument was
acknowledged before me this

17th day of March, 2021

by Cedric L. Carter

Anjanette Nicole White
Notary Public

My commission expires: 9/30/2024



DROP BOX INFORMATION FORM

NOTICE:

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Date: 17 MARCH 2021

Case Name (if applicable): CASE # GV: 21001230 - 00

Case Number(s) (if applicable): CASE # GV: 21000746 - 00

Company/Firm: _____

Name/Contact: CEDRIC CARTER

Address: 84 BASSWOOD DR.

City, State, Zip: NEWPORT NEWS, VA, 23601

Phone: 757 927 8023

Email Address: CEDRIC.CARTER@GMAIL.COM

CHECK/MONEY ORDER ENCLOSED Yes ☒ No ☐

CASH NOT ACCEPTED

- **IMPORTANT** - Before placing your filing in the drop box, please ensure the following:
 - ✓ Case number and caption clearly identified on document(s).
 - ✓ Documents have been signed.
 - ✓ If documents are being filed by pro se litigant, please complete and sign the form titled: Local Rule 83.1(M) Certification and submit with your document(s).

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News DIVISION

CEDRIC CARTER

Plaintiff(s),

v.

Civil Action Number: _____

MATTHEW HOFFMAN

Defendant(s).

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of LOCAL RULE 83.1(m) CERTIFICATION.
(Title of Document)

CEDRIC CARTER

Name of *Pro Se* Party (Print or Type)

Cal J Co

Signature of *Pro Se* Party

Executed on: 17 MARCH 2021 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of _____.
(Title of Document)

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document

(Name of *Pro Se* Party (Print or Type)

Signature of *Pro Se* Party

Executed on: _____ (Date)